

**JUDGE BUCHWALD**

SAO 440 (Rev. 8/01) Summons in Civil Action

**UNITED STATES DISTRICT COURT**

Southern

District of

New York

HIGHLAND PARK CDO I GRANTOR TRUST,  
SERIES A

**SUMMONS IN A CIVIL ACTION**

V.

MATTHEW STUDER, FRED GRAFT, ERNIE  
MALAS, and PETER CORATOLA,

CASE NUMBER:

08 CV

01670

TO: (Name and address of Defendant)

Ernie Malas  
2481 Stonehaven Place  
Columbus, OH 43220

**YOU ARE HEREBY SUMMONED** and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Michael Stolper  
Orrick, Herrington & Sutcliffe LLP  
666 Fifth Avenue  
New York, NY 10103  
212-506-5000

an answer to the complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

**J. MICHAEL McMAHON**

**FEB 20 2008**

CLERK

DATE

(By) DEPUTY CLERK

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

ORRICK, HERRINGTON & SUTCLIFFE LLP  
666 Fifth Avenue  
New York, New York 10103  
Telephone: (212) 506-5000  
Facsimile: (212) 506-5151

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

HIGHLAND PARK CDO I GRANTOR  
TRUST, SERIES A

Plaintiff,

v.

MATTHEW STUDER, FRED GRAFT, ERNIE  
MALAS, and PETER CORATOLA,

Defendants.

08 Civ. 01670 (NRB)(JCF)

**AFFIDAVIT OF SERVICE**

STATE OF NEW YORK     )  
                                      : ss.:  
COUNTY OF NEW YORK )

Robinson Howard, being duly sworn, deposes and says:

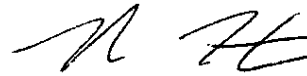
1.       I am over the age of 18 years and am not a party to this action, and am employed by Orrick, Herrington & Sutcliffe LLP.

2.       On the 22nd day of February, 2008, I served by Certified Mail, Return Receipt Requested, a true copy of the Summons In A Civil Action, Complaint, Civil Cover Sheet, Rule 7.1 Statement, Individual Practice Rules of Judge Buchwald and Magistrate Judge Francis and Guidelines and Procedures for Electronic Case Filing upon the following:

Ernie Malas  
2481 Stonehaven Place  
Columbus, OH 43220

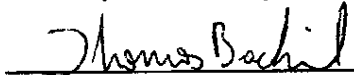
by placing the same in a sealed envelope postage prepaid, addressed to the above in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State.

3. Pursuant to the contract, attached as Exhibit C to the Complaint, Defendant Ernie Malas consents to service by Certified Mail. A copy of the Certified Mail Receipt is attached to this Affidavit of Service.



Robinson Howard

Sworn to before me this  
26th day of February, 2008



Notary Public

THOMAS BACKIEL  
Notary Public, State of New York  
No. 01BA6083754  
Qualified in Queens County  
Commission Expires Nov. 25, 2010

2007 0710 0002 4558 4732

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Return Receipt Fee (Endorsement Required)	2.15
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 10.10

Postmark: FEB 22 2008 NEW YORK, NY

Sent To	Ernie Markus
Street, Apt. No., or PO Box No.	2481 Stenhuizen Place
City, State, ZIP+4	Columbus OH 43220

PS Form 3800, August 2006 See Reverse for Instructions

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- For an additional fee, delivery may be restricted to the addressee or addressee's authorized agent. Advise the clerk or mark the mailpiece with the endorsement "Restricted Delivery".
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PS Form 3800, August 2006 (Reverse) PSN 7530-02-000-9047